

CHILD WELFARE LEGISLATION
PASSED DURING THE 2003 ANNUAL GENERAL SESSION
Office of Legislative Research and General Counsel, April 2003

**H.B. 34 Amendments to Child Welfare
Legislative Oversight Panel** (Rep.
M. Morley)

This act amends the Human Services Code. The act modifies language in the Child Welfare Legislative Oversight Panel to conform terms with the Open and Public Meetings Act. The act directs the panel to consider the concerns of all parties to a case it discusses and makes technical changes.

**H.B. 35 Consolidation of Child Welfare
Reports** (Rep. G. Hughes)

This act modifies the Human Services Code. This act modifies and consolidates reports pertaining to the state's child welfare system.

**H.B. 106 Foster Care Guidance Through
Providers Contracts** (Rep. M.
Dayton)

This act modifies the Utah Human Services Code. This act requires the department to provide a licensee or facility notification of who to contact within the department when filing a complaint.

**H.B. 133 Expedited Child Welfare
Procedures** (Rep. C. Bennion)

This act modifies Abuse, Neglect, and Dependency Proceedings and Child Welfare Services. The act requires the juvenile court, under specified conditions, to expedite cases where a petition of abuse, neglect, or dependency has been filed but the child has not been taken into protective custody. The act extends to these cases the same deadlines for pretrial and shelter hearings that apply to cases where a child has been taken into protective custody. The act requires the juvenile court to rule on a request for a protective order on behalf of a child who is alleged to be abused or neglected within 72 hours. The act requires the attorney general to file abuse or neglect petitions requested by the Division of Child and Family Services within 72 hours. The act requires the Division of Child and Family Services to convene a child protection team meeting within 24 hours of filing an abuse or neglect petition on behalf of a child not removed from a home. This act provides a coordination clause.

H.B. 152 Legislative Audits of Child

Welfare (Rep. M. Noel)

This act modifies child welfare statutes. The act changes the frequency of the annual legislative audit of child welfare cases, eliminates the requirement that the audit address statutorily enumerated issues, and specifies who may initiate the audit. The act makes technical changes.

H.B. 176 Termination of Parental Rights
(Rep. M. Thompson)

This act modifies the Human Services Code. This act amends Section 78-3a-415 making it applicable to all juvenile court proceedings involving parents and minors as well as any proceeding involving the Division of Child and Family Services.

**H.B. 210 Sexual Abuse of a Child
Amendments** (Rep. M. Thompson)

This act modifies the Criminal Code by clarifying in the offense of sexual abuse of a child that the reference to the victim's age as being younger than 14 applies to all provisions in the section. This act also amends affected cross references.

**H.B. 222 Child Welfare Proceedings
Amendments** (Rep. G. Curtis)

This act modifies the Judicial Code. This act phases in expanded access to abuse, neglect, and dependency hearings and records of those hearings, beginning with Juvenile Court districts identified by the Judicial Council as pilot districts. This act requires the Judicial Council to report to the Legislature on the effects of this act. This act includes revisors instructions.

H.B. 307 Child Bigamy Amendment (Rep.
M. S. Lawrence)

This act modifies the Criminal Code by adding the second degree felony offense of child bigamy to the state's bigamy law.

**H.B. 334 Enticing Minors over Internet
Amendments** (Rep. D. Bourdeaux)

This act modifies the Criminal Code by eliminating an unnecessary reference to other criminal code provisions.

S.B. 128 Protective Order Amendments

(Sen. L. Hillyard)

This act enacts a new chapter in the Judicial Code regarding child protective orders. It provides for the filing of a petition, notice to the parties, appointment of a guardian ad litem, and hearings. Provision is also made for the review or expiration of the order. The act also requires that the order be entered into the statewide domestic violence network.

S.B. 132 Child Support and Paternity

Amendments (Sen. L. Hillyard)

This act modifies provisions relating to paternity and child support. It provides definitions for "declarant father" and "presumptive father" and allows for a declaration of paternity by a declarant father even if a presumptive father exists, allows for registration of the declaration, and provides for the modification of a divorce decree or child support order after paternity is determined. The act modifies provisions for reimbursement by a child's parents if the child is removed from a home and the Juvenile Court finds that the allegations were insufficient. This act also modifies child support and parent-time provisions by clarifying provisions relating to deviations from the child support guidelines, and allowing for reductions in child support for extended parent-time.

**S.B. 158 Division of Child and Family
Services Management
Information System Amendments**
(Sen. D. C. Buttars)

This act amends the Utah Human Services Code and the Judicial Code. The act provides that when the Division of Child and Family Services makes a supported finding of certain types of severe child abuse or neglect that finding is referred to the juvenile court or notice is personally served upon the alleged perpetrator. The act provides that in certain circumstances the alleged perpetrator has the right to consent to the entry of the alleged perpetrator's name on the Licensing Information System, petition the juvenile court, or file a written request asking the division to review the findings. The act provides that the division remove information from the Licensing Information System after a juvenile court makes a finding. However, if a finding of unsubstantiated or without merit is appealed the supported finding shall not be amended until the appeal is concluded. The act provides that an adjudicative proceeding on a supported finding of one of the nonsevere types of abuse or neglect may be joined in the juvenile court

with an adjudicative proceeding on a supported finding of a severe type of abuse or neglect. The act provides that if an alleged perpetrator requests removal of their name from the Licensing Information System prior to May 6, 2002 the division shall determine whether to file a petition. The act places a time limit on the division for filing a petition. The act provides that the perpetrator's name shall stay on the Licensing Information System pending the outcome of the petition. The act makes technical changes.

**S.B. 208 Warrant for Removal of Minor
from Home** (Sen. B. Wright)

This act modifies the Human Services Code and the Judicial Code. The act provides that a minor may not be removed from the minor's home or school or be taken into protective custody with or without a warrant unless the minor's parent or guardian consents, or there is probable cause to believe any one or more of enumerated circumstances exist. The act amends and clarifies the grounds for a court ordering that a minor be removed from the minor's home or otherwise taken into protective custody, after the filing of a petition alleging abuse, neglect, or dependency. The act makes technical changes. The act amends provisions relating to the authority to issue search warrants and subpoenas.

Not Passed

H.B. 5	Prohibition of Coercive Restraint Practices
H.B. 84	Child Restraint Safety Devices
H.B. 127	Child Abduction - Prevention and Recovery
H.B. 325	Court-ordered Counseling
S.B. 38	Child Access to Firearm Prevention Amendments